

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1292 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

HEIRS OF DECEASED DALPATBHAI RANCHHODBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PM BHATT for Petitioners

MR TH SOMPURA, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 24/02/97

ORAL JUDGEMENT

Upon hearing learned Counsel Mr.Bhatt for the petitioners and learned Govt. Counsel Mr.T.H.Sompura, it appears that the present petition can be disposed of in the manner indicated hereinafter.

The dispute is regarding the units which the

landholders would be entitled under the Urban Land (Ceiling and Regulation) Act, 1976 and also regarding the deduction of the land which is again for the road being constructed by the SUDA. These are the questions of facts which can be inquired into properly at the stage of the Competent Authority. In my opinion, therefore, the impugned orders require to be quashed and set aside and the matter requires to be remanded to the Competent Authority, Surat, for deciding the same according to law and on merits. All the contentions which the petitioners wanted to raise before me shall be open for them to be raised before the Competent Authority. Rule is made absolute accordingly, with no order as to costs.
